

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION NO.17748 OF 2019

ORDER: (per SK,J)

The prayer of the petitioner in this writ petition reads as under:

'For the reasons stated in the accompanying affidavit In the circumstances it is prayed that this Hon'ble Court may be pleased to pass order or orders direction more particularly in the nature of Writ of Mandamus or any other appropriate writ, order by set aside the registered sale certificate bearing document No. 11999/2019, dated 10th July, 2019 registered by the respondent No. 1 bank in favour of the respondent No. 2 and 3 in respect of property All that the land admeasuring Ac. 1.10 Guntas or admeasuring an area of 6050 Sq. yards or equivalent to 5057.8 Sq. meters, in survey No. 735, along with building in ground floor sales and service room with plinth area of 322.49 sft, situated at Raigir (V), Bhongir (M), Yadadri Bhongir District, in pursuance of the E-Auction conducted on 23.06.2017 in pursuance of the sale notice dated 31.05.2017, and consequently set a side the agreement of sale cum irrevocable general power of attorney with possession bearing Document No. 12180 of 2019, dated 12.07.2019 and the same is to be declared as illegal, null and void without following due process of law and pass such other orders or order to which the petitioner is entitled to be in the interest of justice.'

2. Perusal of the record reflects that the petitioner approached the Debts Recovery Tribunal-I, Hyderabad, by way of S.A.No.273 of 2015 assailing the e-auction notice dated 14.03.2015 and the subsequent sale proceedings held on 23.06.2017 pursuant to the sale notice dated 31.05.2017 issued by the State Bank of India. The said S.A. was dismissed by the Tribunal, *vide* order dated 24.02.2019. The dismissal order passed by the Tribunal was subjected to challenge before this Court in W.P.No.14284 of 2019. The said writ petition is pending consideration.

3. That being so, we are of the opinion that no separate writ petition needs to be filed seeking cancellation of the registered sale certificate dated 10.07.2019 which was issued in favour of the auction purchasers in the sale held on 23.06.2017. In the event the petitioner succeeds in his challenge to the auction sale notice which was the basis of the said sale, all consequential proceedings would invariably have to be nullified.

4. Insofar as the prayer of the petitioner relating to the registered agreement of sale-cum-irrevocable general power of attorney dated 12.07.2019 issued by the auction purchasers in favour of a third party is concerned, it would not be amenable to resolution in exercise of writ jurisdiction. The said prayer is utterly misconceived.

5. On the above analysis, the writ petition is dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR,J

P.KESHAVA RAO,J

Date:20.08.2019
KL

